



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, Second Regular Session*

**FACT SHEET FOR S.B. 1210**

mentally ill; transportation; evaluation; treatment

Purpose

Allows the court, an admitting officer or evaluation agency to authorize apprehension and transportation of a proposed patient to an evaluation agency by an authorized transporter. Establishes the Study Committee on Alternative Behavioral Health Transportation (Committee) and outlines Committee membership, duties and requirements.

Background

Current statute authorizes any individual to apply for a court-ordered evaluation of a person alleged to be, as a result of a mental disorder, a danger to self or others or a person with a persistent, acute or grave disability that is unwilling or able to under a voluntary evaluation ([A.R.S. § 36-520](#)). The petition for evaluation must include: 1) the name and address of the petitioner and the proposed patient; 2) the present whereabouts of the proposed patient; 3) a statement alleging there is reasonable cause to believe the proposed patient has a mental disorder, is a danger to self or others, has a persistent, acute or grave disability and is unwilling to or unable to undergo voluntary evaluation; 4) a summary of facts that support the allegations, including the facts that brought the proposed patient to the screening agency's attention; 5) any known criminal history of the proposed patient, if the petition is filed by a prosecutor, including whether the patient has even been found incompetent to stand trial; and 6) other information that the Director of the Department of Health Services (DHS) or the court may require ([A.R.S. § 36-523](#))

If the admitting officer of an evaluation agency has reasonable cause to believe that an emergency examination of a proposed patient is necessary, based on a review of the conversation with the applicant and peace officer, the admitting officer may advise the peace officer that sufficient ground exists to take the person into custody and transport the person to the evaluation agency. The peace officer, on advice of the admitting officer, must apprehend and transport the person to the evaluation agency ([A.R.S. §§ 36-524](#) and [36-525](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Court-Ordered Evaluation***

1. Allows the court, an admitting officer or evaluation agency to authorize apprehension and transportation of a proposed patient by an authorized transporter if the entity has authorized apprehension and transportation of the patient by a peace officer.

2. Specifies the following individuals or entities are not civilly liable for the apprehension and transportation of a proposed patient, except under acts of gross negligence:
  - a) a person who provides a court, admitting officer or an evaluation agency with facts and circumstances or expressed an opinion that a proposed patient may be safely apprehended and transported to an evaluation agency by an authorized transporter without peace officer assistance;
  - b) the court;
  - c) the evaluation agency;
  - d) an admitting officer of the evaluation agency; and
  - e) the authorized transporter.
3. Requires an evaluation petition to include a statement of any facts and circumstances that lead the petitioner to believe that the proposed patient may be safely transported to the evaluation agency by an authorized transporter without peace officer assistance.
4. Requires a petitioner to serve a copy of any court-ordered evaluation along with a copy of the petition for court-ordered evaluation as directed by the court to the proposed patient.
5. Directs the person who serves the notice hearing to file a proof of service with the court specifying the date, time and manner of service.
6. Stipulates that a petition for court-ordered treatment must contain a statement of any facts and circumstances that led the petitioner to believe the proposed patient may be safely transported to an evaluation agency by an authorized transporter without the assistance of a peace officer, if the patient is not detained in an evaluation agency at the time the order is filed.
7. Requires the person who serves the hearing notice, the copy of the petition and the affidavits in support of the petition to be either a peace officer or another person authorized by the Arizona Rules of Civil Procedure.
8. Defines *authorized transporter* as a transportation entity that is contracted with a jurisdiction to provide transportation of proposed patients to an evaluation agency and is either:
  - a) an ambulance company that holds a valid certificate of necessity; or
  - b) a transportation provider authorized by the state to provide safe behavioral health transportation.

***Study Committee on Alternative Behavioral Health Transportation***

9. Establishes the Committee, consisting of the following members:
  - a) two members of the Senate from different political parties, with one member to serve as Co-Chair, appointed by the President of the Senate;
  - b) two members of the House of Representatives from different political parties, with one member to serve as Co-Chair, appointed by the Speaker of the House of Representatives;
  - c) the DHS Director or the Director's designee;
  - d) the Director of the Arizona Health Care Cost Containment System or the Director's designee;
  - e) a representative of a law enforcement agency from a county with a population of fewer than 1,000,000 persons, appointed by the Speaker of the House of Representatives;

- f) a representative of a law enforcement agency from a county with a population of 1,000,000 persons or greater, appointed by the President of the Senate;
  - g) a representative of an evaluation agency, appointed by the Speaker of the House of Representatives;
  - h) two representatives of behavioral health advocacy organizations, one of whom is appointed by the President of the Senate and the other by the Speaker of the House of Representatives;
  - i) a representative of a regional behavioral health authority, appointed by the Speaker of the House of Representatives; and
  - j) a psychiatrist that is employed by a special health care district, appointed by the President of the Senate.
10. Requires the Committee to research and make recommendations for the implementation and use of alternative behavioral health transportation providers for individuals involved in court-ordered evaluation or treatment as an alternative to transportation by peace officers, including:
- a) establishing criteria for the certification of behavioral health transportation providers, including the development of a training curriculum required to achieve the certification;
  - b) recommending the appropriate agency for providing certification;
  - c) identifying barriers to the use of alternative behavioral health transportation; and
  - d) detailing the costs associated with the implementation of alternative transportation providers, including cost savings and benefits.
11. Permits the Committee to hold hearings, conduct fact-finding tours and take testimony from witnesses, including participants in the behavioral health and law enforcement systems who may assist the Committee in fulfilling responsibilities.
12. Requires the Legislature to provide staff and support services to the Committee.
13. Requires the Committee, by December 31, 2023, to submit a report of its findings and recommendations to the Governor, President of the Senate, Speaker of the House of Representatives and the Secretary of State.
14. Repeals the Committee on July 1, 2024.

#### **Miscellaneous**

15. Makes technical and conforming changes.
16. Becomes effective on the general effective date.